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Statement by the representative of Kuwait

On behalf of the member States of the Arab group, I would like to express my thanks to you for your efforts in conducting the Final United Nations Conference on the Arms Trade Treaty with transparency and for your presentation of the new text of the draft treaty. I would also like to put forward the following observations.

Reiterating its position held at the beginning of the Conference and through its successive statements on the importance of a balanced and universally acceptable treaty, the Arab group believes that this objective cannot be reached except by taking into account the concerns and aspirations of the participating States. In this context, the Arab group expresses its deep regrets at the absence of Arab demands in the text, which had been stressed in previous texts. The group reiterates in this context that the text before us overlooks the following proposals, which were earlier underlined by the group:

1. Taking account of the interest of all States and not exclusively that of producing and exporting States. Also taking into account the positions of all delegations in a balanced manner. The great majority of the text before us lacks this aspect.

2. Inclusion of the principle of the inalienable right of all peoples under foreign occupation to self-determination, the right to territorial integrity and the political independence of States and the rejection of foreign occupation, and the inadmissibility of the occupation of the lands of others as practised by Israel in the Arab territories, including the occupied Palestinian territory. The group expresses its astonishment at the absence from the present version of any mention of rejection of foreign occupation as one of the principles and norms of the treaty, notwithstanding the fact that foreign occupation constitutes a flagrant violation of international peace and security and that it contradicts international law in general and international humanitarian law and international human rights law in particular.

3. The need to develop a mechanism for the settlement of disputes arising from a denial of permission to transport or export arms, by which importing States could have guarantees that the application of the treaty would not be politicized.

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4. The proposed technical cooperation fund should be financed through mandatory contributions by major producing and exporting member States. Its activities should aim at supporting developing countries in fulfilling the obligations under the treaty.

5. Replacement of the term "end usage" with "end user" throughout the text.

6. The need to underline that ratification by a sufficient number of producing, exporting and importing States would contribute to the effectiveness of the treaty.

7. The lack of a reporting system for the submission of objective reports and selectivity owing to the absence of a clear mechanism making it mandatory for exporting States to submit sufficient information about denials of permission to export or transport arms.

The above principles should become an integral part of the operative paragraphs.

The Arab group would like to put on record once that acceptance by the Credentials Committee of the credentials of the Israeli delegation, which were signed in Jerusalem, does not in any way imply recognition by the Arab States, the United Nations or the international community of the de facto illegal situation imposed by Israel, the occupying Power, in the City of Jerusalem, including the allegation that Jerusalem is its capital.

The Arab group would also like to put on record that the political arrangement reached with regard to the participation of the State of Palestine and the Holy See in the Conference and the manner in which their credentials were managed by the Credentials Committee is a one-time exceptional arrangement that should not and cannot set a precedent for future conferences open to the participation of all States.

The Arab group believes that the Chair's text before us does not meet the main demands of the Arab group set forth above, which aim to enhance the treaty and make it more balanced and effective as a basis of a new international system for the regulation of the trade in conventional arms with a view to combating illicit trade. The Arab group considers that the text of the treaty before it still contains numerous terms that lack specific definition, in addition to leaving the assessment mechanism to the discretion of exporting States without any obligation for honest, objective and non-politicized implementation in conformity with relevant international instruments. The Arab group will continue to put forward those basic principles that aim to preserve international peace and security and respect of international law on an objective basis.

In conclusion, the Arab group requests that the present statement be reflected in the official records of the meeting and in the final report.